

DENNIS J. HERRERA, State Bar #139669
City Attorney
KRISTEN A. JENSEN, State Bar #130196
THOMAS S. LAKRITZ, State Bar #161234
VICTORIA WONG, State Bar #214289
Deputy City Attorneys
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102
Telephone: (415) 554-6547
Facsimile: (415) 554-4747
E-Mail: tom.lakritz@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited liability company,

Plaintiff.

vs.

CITY OF SAN FRANCISCO, a municipal corporation, COUNTY OF SAN FRANCISCO, a subdivision of the State of California, CITY AND COUNTY OF SAN FRANCISCO, a chartered California city and county and DOE 1 through DOE 10.

Defendants.

Case No. C07-6067 JSW

JOINT STATUS STATEMENT AND PROPOSED ORDER

1 WHEREAS, on May 8, 2008, the parties filed a stipulation and proposed order informing the
2 Court that the parties were exploring a stay of the present litigation (Plaintiff Metro Fuel's agreement
3 to stay the litigation was conditioned on Defendant City and County of San Francisco's agreement to
4 stay enforcement of local ordinances at issue in the present litigation); and

5 WHEREAS, on May 9, 2008, the Court adopted the parties' proposed order and vacated the
6 Court's April 17, 2008 order setting a briefing schedule on Defendant City and County of San
7 Francisco's Motion to Dismiss and the June 20, 2008 hearing date; and

8 WHEREAS, since May 9, 2008, the parties have conducted extensive negotiations in an
9 attempt to reach an agreement on staying enforcement of local ordinances at issue in the present
10 litigation. Unfortunately, the parties have not been able to reach an agreement as of yet. The parties
11 will continue to meet and confer in hopes of reaching such an agreement; and

12 WHEREAS, if the parties cannot reach an agreement, Defendant City and County of San
13 Francisco will file an Answer to Plaintiff Metro Fuel's Amended Complaint and Demand for Jury
14 Trial by Friday, May 30, 2008; and

15 WHEREAS, after Defendant City and County of San Francisco files its Answer, the parties
16 will meet and confer on Rule 26 initial disclosures and an expedited discovery schedule; and

17 WHEREAS, the parties will file a joint status statement on June 6, 2008, proposing an
18 expedited discovery schedule; and

19 NOW, THEREFORE, it is hereby STIPULATED and AGREED as follows:

20 1. If the parties cannot reach an agreement on a proposal to stay pending a decision by the
21 Ninth Circuit in *Metro Lights, L.L.C. v. City of Los Angeles*, 488 F.Supp.2d 927 (C.D. Cal. 2006),
22 *appeal docketed*, No. 07-55179 (9th Cir. Feb. 1, 2007) and *Metro Lights, L.L.C. v. City of Los Angeles*
23 No. 04-1037, 2006 WL 4941839 (C.D. Cal. Nov. 3, 2006), *appeal docketed*, No. 07-55207 (9th Cir.
24 Feb. 9, 2007), Defendant City and County of San Francisco will file an Answer to Plaintiff Metro
25 Fuel's Amended Complaint and Demand for Jury Trial by Friday, May 30, 2008; and

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27 ///

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1 2. The parties shall file a joint statement by June 6, 2008, proposing an expedited
2 discovery schedule.
3

4 DATED: May 23, 2008

DENNIS J. HERRERA
City Attorney

6 By: /s/
7 THOMAS S. LAKRITZ

8 Attorneys for Defendant CITY AND COUNTY OF
9 SAN FRANCISCO

10 DATED: May 23, 2008

11 EMERY CELLI BRINCKERHOFF & ABADY LLP

12 By: /s/
13 ERIC HECKER

14 Attorneys for Plaintiff METRO FUEL, LLC

16 IT IS SO ORDERED:
17

19 DATED: _____

20 By: _____
THE HONORABLE JEFFREY S. WHITE